

ORDINANCE NO. 2725 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY FROM BP (BUSINESS PARK) AND CSC (COMMUNITY SHOPPING CENTER) TO PAD (PLANNED AREA DEVELOPMENT) FOR A DEVELOPMENT PLAN TITLED "URBAN 95" LOCATED AT 5406 NORTH 95<sup>TH</sup> AVENUE; AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glendale Planning and Zoning Commission held a public hearing on April 1, 2010, in zoning case ZON08-23 in the manner prescribed by law for the purpose of rezoning property located at 5406 North 95<sup>th</sup> Avenue from BP (Business Park) and CSC (Community Shopping Center) to PAD (Planned Area Development);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the *Glendale Star* on March 11, 2010; and

WHEREAS, the City of Glendale Planning and Zoning Commission has recommended to the Mayor and the Council the zoning of property as aforesaid and the Mayor and the Council desire to accept such recommendation and rezone the property described on Exhibit A as a PAD (Planned Area Development) in accordance with the Development Plan currently on file with the Planning Department as of the date of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That a parcel of land in Glendale, Maricopa County, Arizona located at 5406 North 95<sup>th</sup> Avenue is hereby conditionally rezoned from BP (Business Park) and CSC (Community Shopping Center) as enacted by Glendale City Council on March 27, 2001 to PAD (Planned Area Development) in accordance with the Development Plan currently on file with the Planning Department as of the date of this ordinance.

SECTION 2. That the rezoning herein provided for be conditioned and subject to the development being in substantial conformance with the development plan and permitted uses contained therein of the Urban 95 Planned Area Development prepared March 3, 2010.

SECTION 3. That the rezoning herein provided for be further conditioned and subject to the following:

1. Development shall be in substantial conformance with the development plan of the Urban 95 PAD document, date stamped March 3, 2010, except as modified by the below stipulations.

2. Conceptual designs for 95<sup>th</sup> Avenue, Camelback Road, Missouri Avenue, and the intersection of 95<sup>th</sup> Avenue and Camelback Road shall be approved by the Transportation Department prior to Design Review approval.
3. In conjunction with Phase 1, the developer shall construct half-street improvements for 95<sup>th</sup> Avenue from the existing Wal-Mart driveway to the intersection of Missouri Avenue. The minimum interim lane configuration for 95<sup>th</sup> Avenue is a three lane section (one lane in each direction with a left turn lane), which includes a northbound left turn lane for the Wal-Mart shared driveway. The design for 95<sup>th</sup> Avenue and the intersection of 95<sup>th</sup> and Missouri avenues will be determined during Design Review.
4. The developer shall dedicate the following rights-of-way on the west side of 95<sup>th</sup> Avenue:
  - Up to 70 feet of right-of-way immediately south of Missouri Avenue as necessary to accommodate the design of a far side busy bay (storage and taper, plus additional right-of-way may be needed for a bus shelter pad) and as necessary to align the traffic lanes on 95<sup>th</sup> Avenue south of Missouri Avenue with proposed traffic lanes north of Missouri Avenue;
  - Up to 65 feet of right-of-way at all right turn lane locations (storage and taper);
  - A 25 foot by 25 foot right-of-way triangle at the intersection of 95<sup>th</sup> Avenue and Missouri Avenue; and
  - At all other locations, 55 feet of right-of-way on the west side of 95<sup>th</sup> Avenue to the project's south property line.

The right-of-way dedication for 95<sup>th</sup> Avenue shall occur prior to the issuance of the first building permit affiliated with the development of Urban 95.
5. All intersection improvements at 95<sup>th</sup> Avenue and Camelback Road that are required to provide dual eastbound to northbound left turns and dual southbound to eastbound left turns will be required by the developer in conjunction with Phase 1. These improvements could include, but are not limited to, roadway paving, median removal, restriping, and traffic signal modifications.
6. In conjunction with Phase 3, 95<sup>th</sup> Avenue must be extended to Bethany Home Road. However, a revised traffic study may be submitted for Phase 3 if changes in the land use and traffic volumes do not necessitate the 95<sup>th</sup> Avenue extension to Bethany Home Road. The Transportation Department will ultimately decide if the extension of 95<sup>th</sup> Avenue can be delayed.
7. Unless cost sharing agreements are in place for new developments, the applicant shall be responsible for design, installation and modification to all traffic signals required for the project [i.e., Missouri and 95<sup>th</sup> avenues; Georgia (main project driveway for Phase 1) and 95<sup>th</sup> avenues; Wal-Mart shared driveway and 95<sup>th</sup> Avenue; Camelback Road and 95<sup>th</sup> Avenue].
8. The developer shall dedicate the following rights-of-way on the south side of Missouri Avenue:

- Up to 55 feet of right-of-way for Missouri Avenue from Access C to 95<sup>th</sup> Avenue; and
- Up to 40 feet of right-of-way for Missouri Avenue west of Access C to the west limit of the project.

The temporary cul-de-sac on Missouri Avenue will be designed during design review. The right-of-way dedication for Missouri Avenue shall occur prior to the issuance of the first building permit affiliated with the development of Urban 95.

9. No closure of private streets shall occur without prior written approval from the City's Transportation Department.
10. All signs, street lights, traffic signals, driveways and sidewalks shall be located within the city right-of-way along 95<sup>th</sup> and Missouri avenues.
11. The Salt River Project irrigation ditch shall be tiled and relocated outside of the 95<sup>th</sup> Avenue right-of-way.
12. The Extinguishment of Grandfathered Groundwater Rights for the property shall occur. A copy of the extinguishment certificate issued by the Arizona Department of Water Resources shall be submitted to the City prior to the issuance of building permits for Phase 1.
13. Notwithstanding anything contained in the Urban 95 PAD document relating to billboards and / or freeway pylon signage, the subject PAD will be subject to the City's adopted Zoning Ordinance Update (ZTA09-01) related to freeway oriented billboard and freeway pylon signage; provided, that ZTA09-01 does not prohibit at least one billboard or freeway pylon sign in Urban 95.

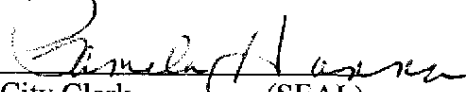
SECTION 4. Amendment of Zoning Map. The City of Glendale Zoning Map is herewith amended to reflect the change in districts referred to and the property described in Section 1 above.

SECTION 5. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

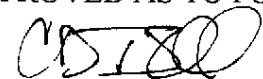
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 25th day of May, 2010.

  
MAYOR

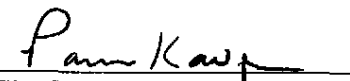
ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager